

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

INSITUFORM TECHNOLOGIES, INC.,)
)
)
Plaintiff,)
) Civil Action No. 04-10487-GAO
v.)
)
AMERICAN HOME ASSURANCE COMPANY,)
)
)
Defendant.)
)

BEFORE: The Honorable George A. O'Toole, Jr.

STATUS CONFERENCE

John J. Moakley United States Courthouse
Courtroom No. 9
One Courthouse Way
Boston, Massachusetts 02210
Monday, November 19, 2007
2:30 p.m.

Marcia G. Patrisso, RPR, CRR
Official Court Reporter
John J. Moakley U.S. Courthouse
One Courthouse Way, Room 3510
Boston, Massachusetts 02210
(617) 737-8728

Mechanical Steno - Computer-Aided Transcript

1 APPEARANCES :

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6 On Behalf of the Plaintiff

7 NIXON PEABODY LLP
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12 On Behalf of the Defendant
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P R O C E E D I N G S

THE CLERK: Next up will be Insituform Technologies versus American Home Assurance Company for a status conference, which is Docket 04-10487.

Would counsel please identify yourselves for the record.

MR. PHILBRICK: Good afternoon, your Honor. Charlie Philbrick on behalf of the plaintiff, Insituform Technologies.

MR. DESCHENES: Good afternoon, your Honor. Greg Deschenes on behalf of the defendant, American Home.

MR. MULLEN: Good afternoon, your Honor. Kurt Mullen also on behalf of American Home.

THE COURT: Okay. This is my favorite case.

MR. PHILBRICK: Me too.

THE COURT: We've got to do something, though, right?

MR. PHILBRICK: You have ruled on the cross-motions for summary judgment, you've resolved the issues on liability coverage, and you observed findings of -- issues of fact as to the amount of damages.

Discovery is closed. We've been trying to talk about what the issues are and how we might be able to streamline things, but at this point we'd like to get --

1 we think that a trial -- we do have a jury demand, and
2 at this point we are inclined to ask for a jury trial on
3 the damages issue. We think the trial could be done in,
4 reasonably, two days, maybe even one day. It looks like
5 there's only three witnesses.

6 So we'd like to ask for a trial date, and then
7 the pretrial date would be determined based on that, I
8 assume.

9 MR. DESCHENES: Your Honor, nothing to add other
10 than the fact that there may be a couple of items of
11 discovery left open depending on who Insituform decides
12 to call as witnesses. There are a couple of people we
13 have not deposed who are, right now, on their witness
14 list. But if they're not going to call them, we don't
15 need to take their depositions.

16 THE COURT: Am I remembering correctly that
17 there was some controversy about whether somebody was an
18 expert or not?

19 MR. PHILBRICK: No.

20 THE COURT: No? That's a different case.

21 MR. DESCHENES: There will be some issues
22 involving the scope of that witness's expertise, your
23 Honor.

24 THE COURT: Okay. What can you do for us?
25 Let's try February.

1 THE CLERK: All right. Monday, February 4th, at
2 nine o'clock for jury selection in the trial. And we'll
3 have the final pretrial conference on Thursday, January
4 24th, at two o'clock.

5 THE COURT: Okay. Anything else today?

6 MR. PHILBRICK: Thank you, your Honor.

7 THE COURT: Okay.

8 MR. DESCHENES: Thank you.

9 MR. MULLEN: Thank you, your Honor.

10 (The proceedings adjourned at 2:34 p.m.)

11
12 C E R T I F I C A T E

13
14 I, Marcia G. Patrisso, RPR, CRR, Official
15 Reporter of the United States District Court, do hereby
16 certify that the foregoing transcript constitutes, to
17 the best of my skill and ability, a true and accurate
18 transcription of my stenotype notes taken in the matter
19 of Civil Action No. 04-10487-GAO, Insituform
20 Technologies, Inc. v. American Home Assurance Company.

21
22 /s/ Marcia G. Patrisso
23 MARCIA G. PATRISSO, RPR, CRR
24 Official Court Reporter
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